

Our Ref. 048775/277573

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include replacement sheets for Figures 1-6.

The replacement sheets replace the original sheets for Figures 1-6.

Also, the attached sheets include a new sheet for Figure 7. Figure 7 is being added herein by amendment.

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### REMARKS

This paper is in response to the present Office Action (mailed 1/25/05) for the above-referenced patent application. Reconsideration of the application, as requested, is respectfully requested.

#### I. CLAIM STATUS

Claims 1-18 are pending.

Claims 1, 6, 8 and 10 have been amended.

#### II. AMENDMENTS TO THE SPECIFICATION AND DRAWINGS

New Figure 7 has been added. Written support for the window treatment panel illustrated in Figure 7 is described at section III below.

The specification has been amended at page 5 to include a short paragraph describing new Figure 7. Also, the section entitled "Brief Description of the Drawings" has been amended at page 3 to reference new Figure 7.

Applicants also submit replacement drawings for Figures 1-6. The drawings include only formal changes (i. e., better quality drawings) and do not include any substantive changes to the drawings. The replacement drawings meet the requirements of 37 CFR 1.121(d).

#### III. OBJECTIONS TO DRAWINGS

The Examiner objected to the drawings under 37 CFR 1.83(a). The Examiner maintains that the drawings must show every feature of the invention specified in the claims. In response to the Examiner's objection, applicants have added a new drawing (Figure 7). Figure 7 shows a row of openings affixed to the window treatment along an

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upper portion and three rows of ties positioned below the row of the openings.

Written support for new Figure 7 is found at page 5, last paragraph, as follows:

The ties and the grommets are sized to allow for quick engagement and disengagement of the ties in order to facilitate the operation of the window treatment. It is possible to reverse the position of the rows of ties and the rows of grommets so that rows of ties are available to be affixed to a single row of grommets located at the upper part of the window. (Emphasis added)

Written support for Figure 7 is also found in original claims 6, 10, 12, 14, 15, 16, 17, and 18. Accordingly, the addition of Figure 7 introduces no new matter.

The Examiner also objected to Figure 4 for failing to include leader lines. Figure 4 has been amended to include leader lines.

#### V. CLAIM REJECTIONS – 35 U.S.C. §112, 2<sup>nd</sup> paragraph

The Examiner rejected claims 1-18 under §112, 2<sup>nd</sup> paragraph. The Examiner pointed out that claim 1, lines 2-3 recite “capable of being raised or lowered without the use of draw strings”. The Examiner maintained that such language contradicts line 4 which recites “a row of ties” and lines 18-21 which state that the ties raise the window treatment panel. The Examiner argued that the “ties” are the functional and mechanical equivalent of “draw strings” for the claimed invention. The Examiner also rejected claims 6, 8 and 10 for the same reasons explained above.

Applicants respectfully disagree with the Examiner’s rejection. In the art to which the present application pertains, the term “draw string,” as used in the claim, refers to a conventional pull cord that extends vertically and pushes upwardly or downwardly through guide elements, hem or any other type of casing to raise or lower a curtain, shade

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or other window treatment. In the present art, draw strings are traditionally passed through pulleys at the top of the panel, for example. Further, draw strings, as known in the art, do not refer to a means of fastening one portion of a panel to another portion. One skilled in the art would interpret the term "draw string", in light of the entire claim, as that described above. Accordingly, the "row of ties" are not a functional or mechanical equivalent of a "draw string," especially given the context in which these terms are used in the claims.

Also, different claim terms are presumed to have different meanings. See *Process Control Corp., v. Hyd Reclaim Corp.*, F.3d 1350, 1357 n.7 (CAFC 1994) (CAFC rejected lower court's claim construction because claims "would suffer from the infirmity of using two different phrases to mean the same thing in the claim"). Thus, the terms "ties" and "draw string" cannot be reasonably construed to mean the same thing, let alone considered the functional or mechanical equivalent of each other. In that regard, those skilled in the art would understand that the term "draw string" refers to the conventional mechanisms for raising and lowering shades (described above), not as means for fastening one portion of a panel to another. To make the scope of the claimed invention more clear, claims 1, 6, and 8 have been amended to require that the openings be adapted for receiving the ties therethrough for fastening the ties to the openings. Such amendment, in light of the entire claim, makes clear that the term "draw string" (as that term is understood by those skilled in the art) is not the functional or mechanical equivalent of a "tie" (as that term is used in the claims).

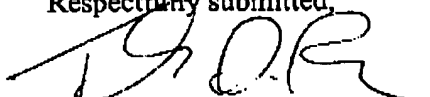
For the reasons set forth above, applicants respectfully request that the Examiner withdraw his rejection of claims 1-18.

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### CONCLUSION

Based on the foregoing, applicant respectfully requests that the present application be allowed and a Notice of Allowance be issued as soon as practical.

Respectfully submitted,



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Yolanda Sanchez